

HOUSE No. 2064

By Mr. Marzilli of Arlington, petition of J. James Marzilli, Jr., and others relative to permitting the operation of low-emission vehicles in high occupancy vehicle lanes. Transportation.

The Commonwealth of Massachusetts

PETITION OF:

J. James Marzilli, Jr.	Anne M. Paulsen
Peter V. Kocot	Alice K. Wolf
John W. Scibak	

In the Year Two Thousand and Five.

AN ACT DESIGNATING USE OF HIGH OCCUPANCY VEHICLE LANES BY LOW-EMISSION VEHICLES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter Ninety of the General Laws is hereby
2 amended by adding after section 34 the following section(s):—

3 Section 34A. (a) For the purposes of implementing Title 540 of
4 the Massachusetts Administrative Code, the registry shall make
5 available for issuance, for a fee determined by the registry to be
6 sufficient to reimburse the registry for the actual costs incurred
7 pursuant to this section, distinctive decals, labels, and other iden-
8 tifiers that clearly distinguish the following vehicles from other
9 vehicles:

10 (1) A vehicle that meets Massachusetts' super ultra-low emis-
11 sion vehicle (SULEV) standard for exhaust emissions and the fed-
12 eral inherently low-emission vehicle (ILEV) evaporative emission
13 standard, as defined in Part 88 (commencing with Section 88.101-
14 94) of Title 40 of the Code of Federal Regulations.

15 (2) A vehicle that was produced during the 2004 model year or
16 earlier and meets Massachusetts' ultra-low emission vehicle
17 (ULEV) standard for exhaust emissions and the federal ILEV
18 standard.

19 (3) A hybrid vehicle or an alternative fuel vehicle that meets
20 Massachusetts' advanced technology partial zero-emission vehicle
21 (AT PZEV) standard for criteria pollutant emissions and has a 45
22 miles per gallon or greater fuel economy highway rating.

23 (4) A hybrid vehicle that was produced during the 2004 model
24 year or earlier and has a 45 miles per gallon or greater fuel
25 economy highway rating, and meets Massachusetts' ultra-low
26 emission vehicle (ULEV), super ultra-low emission vehicle
27 (SULEV), or partial zero-emission vehicle (PZEV) standards.

28 (b) Neither an owner of a hybrid vehicle that meets the AT
29 PZEV standard, with the exception of a vehicle that meets the fed-
30 eral ILEV standard, nor an owner of a hybrid vehicle described in
31 paragraph (4) of subdivision (a), is entitled to a decal, label, or
32 other identifier pursuant to this section unless, and until, the fed-
33 eral government acts to approve the use of high-occupancy
34 vehicle lanes by vehicles of the types identified in paragraph (3)
35 or (4) of subdivision (a), regardless of the number of occupants.

36 (c) The registry shall include a summary of the provisions of
37 this section on each motor vehicle registration renewal notice, or
38 on a separate insert, if space is available and the summary can be
39 included without incurring additional printing or postage costs.

40 (d) The Executive Office of Transportation shall remove indi-
41 vidual high-occupancy vehicle (HOV) lanes, or portions of those
42 lanes, during periods of peak congestion from the access provi-
43 sions provided in subdivision (a), following a finding by the Exec-
44 utive Office of Transportation that the operation or projected
45 operation of the vehicles described in subdivision (a) in these
46 lanes, or portions thereof, will significantly increase congestion.
47 The finding also shall demonstrate the infeasibility of alleviating
48 the congestion by other means, including, but not limited to,
49 reducing the use of the lane by non-eligible vehicles, or further
50 increasing vehicle occupancy.

51 (e) The Department of Environmental Protection shall publish
52 and maintain a listing of all vehicles eligible for participation in
53 the programs described in this section. The department shall pro-
54 vide that listing to the registry.

55 (f) For purposes of subdivision (a), the Massachusetts State
56 Police and the registry, in consultation with the Executive Office
57 of Transportation, shall design and specify the placement of the

58 decal, label, or other identifier on the vehicle. Each decal, label, or
59 other identifier issued for a vehicle shall display a unique number,
60 which number shall be printed on, or affixed to, the vehicle regis-
61 tration.

62 (g) (1) The Executive Office of Transportation shall determine
63 whether significant high-occupancy vehicle lane breakdown has
64 occurred throughout the state, in accordance with the following
65 timeline:

66 (A) For lanes that are nearing capacity, the Executive Office of
67 Transportation shall make the determination not later than 90 days
68 after the date provided by the registry under paragraph 2.

69 (B) For lanes that are not nearing capacity, the Executive Office
70 of Transportation shall make the determination not later than 180
71 days after the date provided by the registry under paragraph 2.

72 (2) In making the determination that significant high-occupancy
73 vehicle lane breakdown has occurred, the Executive Office of
74 Transportation shall consider the following factors in the HOV
75 lane:

76 (A) Reduction in level of service.

77 (B) Sustained stop-and-go conditions.

78 (C) Slower than average speed than the adjacent mixed flow
79 lanes.

80 (D) Consistent increase in travel time.

81 (3) After making the determinations pursuant to subparagraphs
82 (A) and (B) of paragraph (3), if the Executive Office of Trans-
83 portation determines that significant high-occupancy vehicle lane
84 breakdown has occurred throughout the state, the Executive
85 Office of Transportation shall immediately notify the registry of
86 that determination, and the registry, on the date of receiving that
87 notification, shall discontinue issuing the decals, labels, or other
88 identifiers for the vehicles described in paragraphs (3) and (4) of
89 subdivision (a).

90 (h) If the Massachusetts Turnpike Authority grants toll-free and
91 reduced-rate passage on toll highways and bridges under its juris-
92 diction to any vehicle pursuant to Section 10 of Chapter 81A, it
93 shall also grant the same toll-free and reduced-rate passage to a
94 vehicle displaying an identifier issued by the registry pursuant to
95 paragraph (1) or (2) of subdivision (a) and to a vehicle dis-
96 playing a valid identifier issued by the registry pursuant to para-
97 graph (3) or (4) of subdivision (a).

98 Section 2. (a) Whenever the Executive Office of Transporta-
99 tion authorizes or permits exclusive or preferential use of highway
100 lanes or highway access ramps for high-occupancy vehicles pur-
101 suant to Section 35, the use of those lanes or ramps shall also be
102 extended to vehicles that are issued distinctive decals, labels, or
103 other identifiers pursuant to Section 35 regardless of vehicle occu-
104 pancy or ownership.

105 (b) No person shall drive a vehicle described in subdivision (a)
106 of Section 35 with a single occupant upon a high-occupancy
107 vehicle lane pursuant to this section unless the decal, label, or
108 other identifier issued pursuant to Section 35 is properly displayed
109 on the vehicle, and the vehicle registration described in Section 35
110 is with the vehicle.

111 (c) No person shall operate or own a vehicle displaying a decal,
112 label, or other identifier, as described in Section 35, if that decal,
113 label, or identifier was not issued for that vehicle pursuant to
114 Section 35. A violation of this subdivision is a misdemeanor.

115 (d) If the provisions in Section 35 authorizing the registry to
116 issue decals, labels, or other identifiers to hybrid and alternative
117 fuel vehicles are repealed, vehicles displaying those decals, labels,
118 or other identifiers shall not access high-occupancy vehicle lanes
119 without meeting the occupancy requirements otherwise applicable
120 to those lanes.

1 SECTION 2. This act shall take effect upon passage.